

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

AMY ANASTASION,
Plaintiff,

vs.

CREDIT SERVICE OF LOGAN, INC. dba
ALLIED COLLECTION SERVICE,
BRITTANY APARTMENTS, L.L.C., and
DOES 1-10,
Defendants.

MEMORANDUM DECISION AND
ORDER DENYING PLAINTIFF'S
MOTION IN LIMINE REGARDING
PLAINTIFF STOPPING PAYMENT
ON CHECK 1040

Case No. 2:08-CV-180 TS

This matter is before the Court on Plaintiff's Motion in Limine Regarding Plaintiff Stopping Payment on Check 1040.¹ For the reasons set forth below, the Court will deny Plaintiff's Motion.

Plaintiff filed the present Motion on October 11, 2011. In her Motion, Plaintiff requests that the Court prohibit Defendant from presenting evidence regarding Plaintiff stopping payment on check 1040. Plaintiff argues that this evidence would not be relevant and, even if it were, that

¹Docket No. 206.

its probative value would be outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury. Plaintiff also argues that the check is not admissible under Fed.R.Evid. 608(b) because the stop payment “does not put into issue the Plaintiff’s character for truthfulness or untruthfulness and so is not admissible for that purpose.”


While Rule 608(b) does prohibit the use of extrinsic evidence to support or attack a witness’ character for truthfulness, it does not apply to the issue at hand. Furthermore, this evidence is relevant to the issues in this case, and any prejudicial effect that it may have does not substantially outweigh its probative value.

It is therefore

ORDERED that Plaintiff’s Motion in Limine Regarding Plaintiff Stopping Payment on Check 1040 (Docket No. 206) is DENIED.

DATED October 17, 2011.

BY THE COURT:



TED STEWART
United States District Judge